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Paper No. 4

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MAY 28 2002

In re Application of	:	OFFICE OF PETITIONS
Hanawa	:	
Application No. 10/028,882	:	DECISION GRANTING
Filed: December 20, 2001	:	PETITION
For: VEHICLE SURROUNDINGS	:	
MONITORING APPARATUS	:	

This is a decision on the petition filed February 15, 2002, to establish that page 25 of the specification was part of the originally filed application.

On December 20, 2001, the application was filed.

On January 31, 2002, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of December 20, 2001, and advising applicants that page 25 of the specification appeared to have been omitted.

In response, the present petition was filed alleging that page 25 was deposited on December 20, 2001. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "Continuing patent application 28 pages, abstract, specification, claims" on December 20, 2001.¹ Petitioner has also submitted a copy of the missing documentation-page 25 of the specification.

Upon review of the record, page 25, deposited on December 20, 2001, has not been located. However, the evidence is convincing that the application papers included page 25, and that page 25 was subsequently misplaced in the PTO.

In view of the above, the petition is **granted**. The copy of page 25 submitted with the petition will be used for examination purposes.

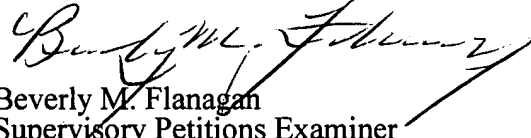
The petition fee of \$130 will be credited to petitioner's deposit account.

The Notice mailed January 31, 2002, was sent in error and is hereby vacated.

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 20, 2001, using the application papers filed on December 20, 2001, and the copy of page 25 of the specification filed on February 15, 2002.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
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for Patent Examination Policy